

*Cert of Occ. for office or housing*



**CITY OF CAMBRIDGE, MASSACHUSETTS**  
**PLANNING BOARD**

**CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139**

Case No.: #66 Minor Amendment #10

Zoning District: Business A/PUD-4

Petitioner: CambridgeSide Galleria Associates Trust, formerly  
known as Riverside Galleria Associates Trust

Date of Planning Board Decision: June 16, 1987

Date of Minor Amendment #1: May 3, 1988

Date of Minor Amendment #2: November 15, 1988

Date of Minor Amendment #3: April 4, 1989

Date of Minor Amendment #4: April 18, 1989

Date of Minor Amendment #5: May 16, 1989

Date of Minor Amendment #6: June 5, 1990

Date of Minor Amendment #7: August 14, 1991

Date of Major Amendment #1: September 17, 1991

Date of Minor Amendment #8: April 14, 1992

Date of Minor Amendment #9: July 20, 1993

Date of Minor Amendment #10: November 9, 1993

Decision (summary): GRANTED

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## DOCUMENTS SUBMITTED

1. Letter to L. Malenfant, Community Development Department, from Nancy M. Davids, Goultston & Storrs, attorney for the applicant, dated October 28, 1993 requesting:

a.) That the Planning Board amend the Special Permit to allow a Certificate of Occupancy to be issued for either of the housing or office parcels without the necessity for construction to be commenced for the parcel for which the Certificate of Occupancy is not being sought, and

b.) That the Planning Board amend the Special Permit to allocate the obligations under the Special Permit such that to the extent there is a violation of the Special Permit which pertains to one parcel in the Project, any enforcement action taken by the City with respect to the violation shall relate solely to such parcel and the remainder of the Project shall not be deemed to be in violation of the Special Permit.

## DISCUSSION

During the regularly scheduled public meeting of November 9, 1993, Ms Davids, representing the Trust, outlined the requested amendments and their importance in connection with the conveyance of the office parcel to a third party. It was noted that the purchaser of the office parcel, Lotus Development Corporation, must be able to obtain both a building permit and a Certificate of Occupancy for the office parcel without regard to the status of construction on the housing parcel. Ms Davids indicated that due to the nature of the housing market, it has not been possible to initiate construction of the housing component of the Project. There was discussion as to whether the requested amendment constituted a minor amendment for purposes of the Cambridge Zoning Ordinance, Sections 12.37.1 and 12.37.2. The Planning Board found that the amendments constituted a minor amendment in accordance with the terms of the Special Permit and Section 12.37.1 and 12.37.2.

There were no questions from the public, nor any comments in favor or opposition.


## DECISION

After review of the information presented and comments made at the meeting of the Planning Board, the Planning Board **GRANTS** the minor amendment #10:

- a. Amends for cause the Special Permit to provide that an occupancy permit may be granted by the Superintendent of Buildings separately for either the office parcel or the housing parcel, without regard to whether construction has been commenced at the parcel for which an occupancy permit is not then being sought.
- b. Amends for cause the Special Permit to provide that any violation of this Special Permit or any other zoning violation shall relate solely to the parcel with respect to which such condition has not been met or where such violation arises. Such violation shall be enforced solely against the relevant parcel, and no other parcel shall be deemed in violation of the Special Permit or applicable zoning or be subject to enforcement on account thereof. The validity of this Special Permit with respect to such other parcels shall not be affected thereby.
- c. The development plans for the office building shall continue to undergo design review by the Community Development Department as outlined in the Special Permit.
- d. The Planning Board acknowledges and confirms that the parking for the office building required pursuant to this Special Permit and the Cambridge Zoning Ordinance may be provided in the garage servicing the retail portion of the Project pursuant to a binding legal agreement, such as a lease, between the owner of the office parcel and the Trust.

Voting to **GRANT** the Minor Amendment were Board members V. Mathias, H. Salemme, H. Russell, A. Cohn and A. Callaghan.

Respectfully submitted for the Planning Board,

  
H. Russell,  
Acting Chair.